

## REMARKS

In the Office Action dated March 22, 2007, claims 1-14 and 16-20 were presented for examination. Claims 1-14 and 16-20 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-14 and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lennon et al.*, U.S. Patent Publication No. 2002/0107973 in view of *Dickman et al.*, U.S. Patent No. 5,877,765.

Applicants wish to thank the Examiner for the careful and thorough review and action on the merits in this application.

### **I. Rejection Under 35 U.S.C. §101**

In the Office Action dated March 22, 2007, the Examiner rejected claims 14 and 16-20 under 35 U.S.C. §101 indicating the claims are directed to non-statutory subject matter. The Examiner indicated that the claimed subject matter does not produce any useful, tangible, and concrete results. Applicants have amended claims 1, 8, and 14, to specify that a response of the executed function is returned to a user interface. Support for these amendments is found in the Specification on page 7, lines 4-5 and lines 12-13. No new matter has been added to the application with the amendments presented herein. Accordingly, in view of the amendments presented herein, Applicants respectfully request that the Examiner remove the rejection of claims 1-14 and 16-20 under 35 U.S.C. §101.

### **II. Rejection Under 35 U.S.C. §103(a)**

In the Office Action dated March 22, 2007, the Examiner rejected claims 1-14 and 16-20 as being unpatentable under 35 U.S.C. §103(a) by *Lennon et al.*, U.S. Patent Publication No. 2002/0707973 in view of *Dickman et al.*, U.S. Patent No. 5,877,765.

Applicants' remarks pertaining to *Lennon et al.* in response to the First Office Action are hereby incorporated by reference.

The *Lennon et al.* patent pertains to browsing collections of metadata to access electronic multimedia content. See paragraphs 0061, 0077, 0231, 0234, etc. *Lennon et al.* directly relates to use of metadata and a metadata server to access multimedia content. Hardware devices are employed in the computer system of *Lennon et al.*, as hardware is present in all computer systems. The hardware of *Lennon et al.* facilitates communication of multimedia content, wherein multimedia is found in the form of integrated text, graphics, video, sound, and animation. However, *Lennon et al.* does not manage a hardware device. Rather, *Lennon et al.* employs a hardware device to obtain the multimedia content requested. As demonstrated in the amended claims, Applicants' invention focuses on management of a managed object through a single URL assigned to an attribute of the managed object, wherein the managed object is a hardware device. Applicants leverage a single address and select from among three commands to manage the object, *i.e.* the hardware device. Applicants are not requesting retrieval of multimedia content, *i.e.* directory or file content. Accordingly, *Lennon et al.* teaches access to software content and does not teach or suggest use of a URL and associated commands to manage a hardware device.

The Examiner cites paragraph 0192 of *Lennon et al.* to support configuration of the metadata server. It appears that the Examiner is taking this phrase out of context and not reviewing the entirety of the paragraph in which it is written. *Lennon et al.* is not managing the metadata server. Rather, *Lennon et al.* is discussing herein how the metadata server saves and accesses results of prior requests, and how the server cannot maintain prior results in its cache indefinitely. However, *Lennon et al.* does not teach or suggest modifying existing data of a

managed object, or creating new data for the managed object. Rather, *Lennon et al.* teaches accessing a managed object to obtain access to multimedia content stored therein.

Furthermore, the Examiner cited paragraph 0163 as support for the SET command, as claimed by Applicants. However, as noted above, *Lennon et al.* does not “modify existing data of the managed object”. Rather, *Lennon et al.* provides a platform by which a user may browse the metadata of a server or database. *Lennon et al.* does not teach modifying existing data of a hardware device.

The Examiner employs *Dickman et al.* to teach the SET command as claimed by Applicants. However, as in *Lennon et al.*, *Dickman et al.* does not manage a hardware device. In fact, *Dickman et al.* pertains to a desktop application wherein a “shortcut” icon may be created from a hotlink to a web site. The SET function of *Dickman et al.* is used to “set the URL for the Internet shortcut”. See Col. 8, lines 13-15. In contrast, Applicants claim the SET command to modify data of a hardware device. There is no modification of a hardware device taught in *Dickman et al.* The only modification taught in *Dickman et al.* is copying a URL from a link on a browser and converting the link to an icon format, but this modification does not modify existing data of a hardware device. It is purely a software application.

To establish a rejection under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested in the prior art.<sup>1</sup> If the prior art references do not teach or suggest every claim limitation of the Applicants’ invention, then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a).<sup>2</sup> In the present case, as stated above, the major difference between Applicants’ invention and *Lennon et al.* and

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<sup>1</sup> MPEP §2143.03 (Citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

<sup>2</sup> See MPEP §2143.

*Dickman et al.*, is that Applicants are managing a hardware device, including changing data of the device itself. Neither *Lennon et al.* or *Dickman et al.* teach or suggest managing a hardware device. Both of these prior art references teach software relates issues, including access to multimedia content and creating a shortcut key on a desktop browser. The prior art references do not teach every element of Applicants' claimed invention. Accordingly, the *Lennon et al.* and *Dickman et al.* individually or when combined are not sufficient to uphold a rejection under 35 U.S.C. §103(a).

The Examiner has not established a prima facie case of obviousness with respect to the aforesaid set of claims, since the combination of references comes short of teaching each of the elements claimed by Applicants. It is respectfully suggested that the Examiner's rejection under 35 U.S.C. §103(a) which does not contain teachings of the pending claims is without merit and must be withdrawn. Accordingly, Applicants respectfully contend that the combination of *Lennon et al.* and *Dickman et al.* do not meet the standard set by the CAFC's interpretation of 35 U.S.C. §103(a), and respectfully request that the Examiner remove the rejection and direct allowance of claims 1-14 and 16-20.

### **III. Conclusion**

Applicants believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Applicants are not conceding in this application that the prior condition of these claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Accordingly, Applicants request that the Examiner indicate allowability of claims 1-14 and 16-20, and that the application pass to issue.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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